

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to list a plant, *Senecio franciscanus* (San Francisco Peaks groundsel), as a Threatened species and to determine its Critical Habitat under the authority contained in the Endangered Species Act of 1973, as amended. This plant is endemic to the San Francisco Peaks, north of Flagstaff, Arizona. The population occurs on land administered by the U.S. Forest Service. The one known population is currently threatened by trampling from off-trail hiking. This proposal, if finalized, will implement the protection provided by the Endangered Species Act of 1973, as amended, for *Senecio franciscanus*. The Service seeks data and comments from the public on this proposal.

DATES: Comments from the public and the State of Arizona must be received by January 21, 1983.

Public hearing requests must be received by January 6, 1983.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate, should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Comments and materials received will be available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Russell L. Kologiski, Botanist, Region 2 Endangered Species staff (see ADDRESSES above) (505/766-3972). Mr. John L. Spinks, Jr., Chief, Washington Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703-235-2771).

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for *Senecio Franciscanus* (San Francisco Peaks Groundsel) With Critical Habitat****AGENCY:** Fish and Wildlife Service, Interior.

the base of large, relatively stable rock. Smaller plants, such as *Senecio franciscanus*, tend to grow in loose cinders which are unstable. In winter, steep slopes are subject to avalanche, an extreme natural disturbance.

Critical Habitat

The Act defines "Critical Habitat" as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of the Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Critical Habitat for *Senecio franciscanus* is proposed to be the entire range of the species, which is on two peaks in Coconino National Forest, Coconino County, Arizona. On Agassiz Peak and Humphreys Peak the location is: T22N, R7E, NW ¼ Sec. 5; T23N, R7E, W ½ Sec. 32; and SW ¼ Sec. 29 (Phillips and Peterson, 1980). The primary constituent elements are the loose-cinder, talus slopes of the San Francisco Peaks alpine tundra system.

Subsection 4(b)(8) of the Act requires, to the maximum extent practicable, that any proposal to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be affected by such designation. Off-trail hiking has occurred in some parts of the habitat. The disturbance presently affects a small part of the population, but could impact additional individuals if not controlled. Development of a management plan would aid the preservation of the habitat by regulating off-trail hiking and by monitoring of the status of the population. Management might include eliminating some of the existing multiple trails, development of new trails away from large populations of the *Senecio* or posting signs prohibiting off-trail hiking. Establishment of a Critical Habitat will only require minimal expenditures on the part of the U.S. Forest Service to protect this unique plant. Designation of *Senecio franciscanus* as a Threatened species could be used to promote public education about Threatened and Endangered species and could enhance

the recreational value of the area (Fletcher 1981, personal communication; Fletcher, 1980).

Subsection 4(b)(2) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared an impact analysis and believes that economic and other impacts of this action are not significant in the foreseeable future. As previously stated, only minimal impacts upon the Forest Service are expected. The Fish and Wildlife Service has notified and is working with the Forest Service which has jurisdiction over the land involved in this action. The U.S. Forest Service, other Federal agencies, and other interested organizations were requested to submit information on economic or other impacts of the proposed action and this information was utilized in completing this analysis. The Service's draft economic impact analysis was used as part of the basis for the Service's decision on whether or not to exclude any area from Critical Habitat for *Senecio franciscanus*. It was noted previously that the only impact would be a minimal expense to the U.S. Forest Service to protect this species.

Effects of This Rule

In addition to the effects discussed above, the effects of this proposal, if published as a final rule, would include, but would not necessarily be limited to, those mentioned below.

Subsection 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as Endangered or Threatened. This rule requires Federal agencies to satisfy their statutory obligations with respect to this species, that is, as a proposed species, agencies are required under Section 7(a)(4) to confer with the Service on any action that is likely to jeopardize this species or result in destruction or adverse modification of its Critical Habitat. When species are listed, Section 7 requires Federal agencies to insure that activities they authorize, fund or carry out are not likely to jeopardize the continued existence of this species, and to ensure that their actions are not likely to result in the destruction or adverse modification of its Critical Habitat which has been determined by the Secretary. Possible effects of this rule on the Forest Service have already been discussed. National forest management is likely to be affected but not in a major way. The Forest Service supports the listing of *Senecio franciscanus* as Threatened.

The Act and implementing regulations published in the June 24, 1977, Federal

Register set forth a series of general trade prohibitions and exceptions which apply to all Threatened plant species. The regulations pertaining to Threatened plants are found at 50 CFR 17.71 and 17.72 are summarized below.

With respect to *Senecio franciscanus* all trade prohibitions of Section 9(a)(2) of the Act, implemented by 50 CFR 17.71, would apply except for an exemption with respect to seeds from cultivation. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import, or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving Threatened species, under certain circumstances. International and interstate commercial trade in *Senecio franciscanus* is not known to exist. It is not anticipated that many trade permits involving plants of wild origin would ever be issued since this plant is not common in the wild and is not presently in cultivation.

Section 9(a)(2)(B) of the Act, as amended in 1982, states that it is unlawful to remove and reduce to possession Endangered plant species from areas under Federal jurisdiction. Section 4(d) provides for regulations to provide this protection to Threatened plant species. This new prohibition will apply to *Senecio franciscanus* once new regulations are promulgated. Permits for exceptions to this prohibition are available through Sections 10(a) and 4(d) of the Act, following the general approach of 50 CFR 17.72 until revised regulations are promulgated.

Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1903). It is anticipated that few taking permits for the species will ever be requested.

The Service will now review this species to determine whether it should be considered for placement upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, and whether it should be considered for other appropriate international agreements.

The Service determined on June 10, 1982 that this proposed action is not major as defined in Executive Order 12291 and does not have a significant

economic effect on a substantial number of small entities as defined in the Regulatory Flexibility Act. San Francisco Peaks groundsel occurs as only one known population on land administered solely by the U.S. Forest Service. No small entities, cities, towns, or businesses occur in the proposed Critical Habitat area. No small entities in the adjacent region are foreseen to be affected by this listing proposal. The private concession which operates the ski area has no facilities in the proposed Critical Habitat and will not be affected. The Forest Service is totally responsible for the trails in the proposed Critical Habitat. If information to the contrary is brought forward, this certification will be modified prior to the final rule. This finding is made as a result of analyses by the Office of Endangered Species of information received from Regional Fish and Wildlife Service staff, U.S. Forest Service personnel, Justice Department personnel, and Navajo legal advisers.

National Environmental Policy Act

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 N. Glebe Road, Arlington, Virginia, and in the Regional Office (see ADDRESSES section) and may be examined, by appointment, during regular business hours. This assessment forms the basis for a decision that this is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (40 CFR Parts 1500-1508).

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other

concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited.

Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to *Senecio franciscanus*;

(2) The location of any additional populations of *Senecio franciscanus* and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities in the subject area; the probable impacts of such activities on the area designated as Critical Habitat; and

(5) The foreseeable economic and other impacts of the Critical Habitat designation on Federal activities, small entities, private individuals, etc.

Final promulgation of the regulations on *Senecio franciscanus* will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

Author

The primary author of this proposed rule is Ms. Sandra Limerick, Endangered Species Staff, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 1306, Albuquerque, New Mexico 87103 (505/766-3972). Status information and a preliminary listing package were

provided by Dr. Arthur M. Phillips III and Elaine M. Peterson, Museum of Northern Arizona, Route 4, Box 720, Flagstaff, Arizona 86001 (602/774-5211, Ext. 68). Ms. E. LaVerne Smith of the Service's Washington Office of Endangered Species served as editor.

References

Fletcher, R. 1978. *Senecio franciscanus*: Status report. U.S. Forest Service, Albuquerque, NM. 4 pp.

Fletcher, R. U.S. Forest Service, Albuquerque, NM. (pers. comm.) August 14, 1981.

Goodwin, Greg. U.S. Forest Service, Flagstaff, AZ. Personal communication, August 21, 1981.

Greene, E. L. 1889. New or Noteworthy Species VI. *Brittonia* 2:13-24.

Phillips, A. M., III and E. Peterson. 1980. Status report: *Senecio franciscanus*. U.S. Fish and Wildlife Service, Albuquerque, NM. 13 pp.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 is revised to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1241; Pub. L. 97-304, 96 Stat. 1411 (18 U.S.C. 1531, *et seq.*).

2. It is proposed to amend § 17.12(h) by adding, in alphabetical order the following to the list of Endangered and Threatened plants:

§ 17.12 [Amended]

* * * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
ASTERACEAE—Aster family: <i>Senecio franciscanus</i>	San Francisco Peaks groundsel	U.S.A. (AZ)	T	NA	17.96(a)	NA

3. Also, the Service proposes to amend § 17.96(a) by adding the Critical Habitat of *Senecio franciscanus* after that of the (to be determined at OES immediately before the rule is taken to the Federal Register) as follows:

§ 17.96 [Amended]

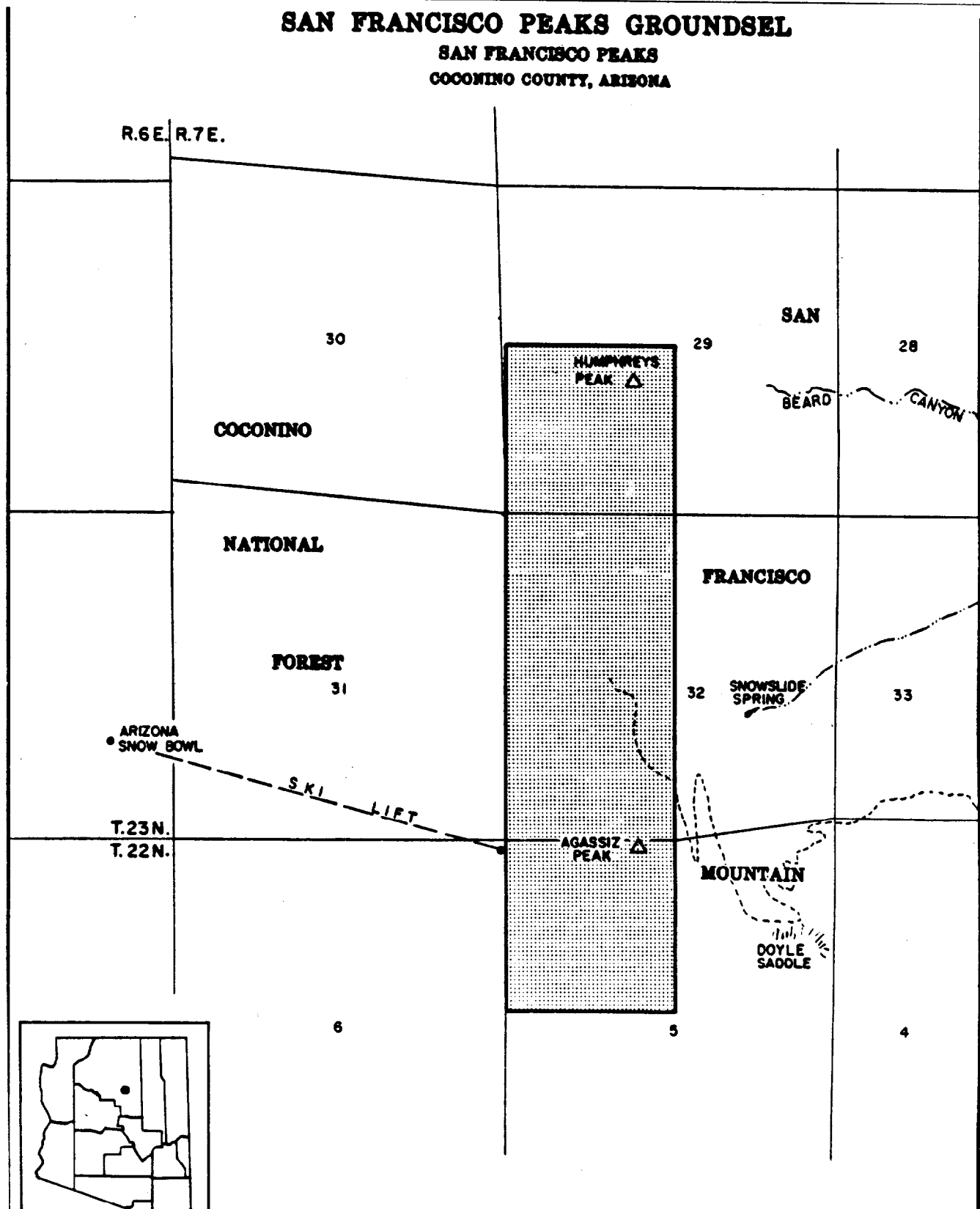
(a) *Flowering plants.*

Family Asteraceae: San Francisco Peaks groundsel (*Senecio franciscanus*).

Arizona: Coconino County; Coconino National Forest; Agassiz Peak and Humphreys Peak; T22N, R7E, NW ¼ Sec. 5; T23N, R7E, W ¼ Sec. 32; and SW ¼ Sec. 29.

Primary constituent elements are the loose-cinder, talus slopes of the alpine tundra system of the San Francisco Peaks and absence of disturbance and damage from hikers.

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Dated: October 14, 1982.

J. Craig Potter,
*Acting Assistant Secretary for Fish and
Wildlife and Parks.*

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